

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REV. MARTIN FRY	:	CIVIL ACTION
	:	
v.	:	
	:	
MIDDLETOWN TOWNSHIP, et al.	:	NO. 02-2780

ORDER AND OPINION

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE

DATE: March 12, 2003

Defendants have filed a motion *in limine* in which they seek to preclude Plaintiffs from submitting character evidence at trial unless it (a) goes to credibility; and (b) answers an attack by the Defendants upon the character for truthfulness of the witness.

Plaintiffs have responded that, since this is the exact requirement of Fed. Rule of Evidence 608(a), it is not a proper subject for a motion in limine where it does not refer to any specific testimony sought to be admitted. They add that they have no intention of violating the federal evidentiary rule.

I cannot agree with Plaintiffs that the motion was premature. Plaintiffs apparently identified several character witnesses to Defendants, and Defendants wished to clarify in advance whether Plaintiffs would argue that their testimony was admissible in some other way than that set forth in FRE 608(a), and under some other authority. It is now clear that they will not. For this reason, I will grant Defendants' motion, even though there now appears to be agreement among all parties as to the use of Plaintiffs' character evidence.

ORDER

AND NOW, this 12th day of March, 2003, upon consideration of Defendants' Motion in Limine To Preclude Introduction of Character Evidence of the Plaintiff, docketed in this case as Document No. 24, and Plaintiffs' response thereto, it is hereby ORDERED that Defendants' motion is granted.

BY THE COURT:

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE